

REMARKS

Consideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 1-58, 60 and 63-140 are now pending, where claims 37-57 and 63-101 have been withdrawn from consideration. Claims 1, 10, 19, 28, 37, 44, 51, 58 and 60 have been amended.

The present Amendment responds to the Office Action dated September 8, 2009, in view of the helpful and courteous interview as conducted between the Examiner and Applicants' undersigned representative on October 29, 2009, and summarized in the Interview Summary of November 9, 2009.

During the interview the Examiner raised the concern that the base of a barb may be interpreted to encompass some amount, presumably a small amount, of the barb that extends from the place where the barb is directly hinged to the suture body, in a direction towards the tip of the barb. Under such an interpretation, a portion of the side of the barb, more specifically a portion of the side of the barb that is directly adjacent to the place where the barb is hinged to the suture body, might be construed to fall within the scope of the barb base. To avoid that possible interpretation, the pending independent claims have been amended to recite that the underside base is viewed only as being the line, in the present invention an arcuate line, that runs along the base of the barb in a direction transverse to the longitudinal axis of the body of the suture, in other words the line extends or lies across the longitudinal axis of the body, rather than running only along the axis. Applicants respectfully submit that with this amendment, the pending claims are patentable in view of the prior art.

Claims 37-57 and 63-101 are currently pending, and the independent claims therein, namely claims 37, 44 and 51, have been amended to be consistent with the above discussion concerning the arcuate base of the barbs. However, claims 37-57 and 61-101 were previously withdrawn from consideration due to a restriction requirement. At this time, and in view of the amendments that have been made to claims 37-57 and 61-101, Applicants respectfully request that the Examiner reconsider the restriction requirement, and re-join the withdrawn claims, so that all pending claims 1-58, 60 and 63-140 might be deemed patentable in a Notice of Allowance. If the Examiner decides not to include claims 37-57 and 63-101 in the allowed claims, then at this time the Examiner receives Applicants' permission to cancel claims

37-57 and 63-101 by an Examiner's Amendment and thereby place the present application into condition for allowance.

In view of the above amendments and remarks, allowance of claims 1-36, 58, 60 and 102-140, or preferably claims 1-36, 58, 60 and 102-140, is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at 425-831-4416 to resolve the same.

The Director is authorized to charge any additional fees due by way of this amendment, or credit any overpayment, to our Deposit Account No. 50-2574.

Respectfully submitted,  
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